

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF HENNEPIN

07 AUG 20 PM 3:05

FOURTH JUDICIAL DISTRICT

DEPUTY

HENNEPIN COUNTY
COURT ADMINISTRATOR

State of Minnesota,

Court File No. 27 CR 07-038940

Plaintiff,

ORDER

v.

Willie Cortez Buckingham,

Defendant.

On August 20, 2007, this matter was before the Court for a hearing on the Defendant's motion to dismiss for lack of probable cause and motion to reduce bail. Assistant Hennepin County Attorney Susan Crumb appeared for the State. Assistant Hennepin County Public Defender John Ryan appeared for the Defendant, who also appeared.

Based on the submissions of the parties and those portions of the files and proceedings brought to the Court's attention, the Court makes the following,

ORDER

1. The Defendant shall be released from custody on a conditional release, with the following conditions:
 - a. The Defendant shall submit to Electronic Home Monitoring (EHM) through the Hennepin County Adult Corrections Facility. Because the Defendant cannot afford EHM costs, such costs are waived.
 - b. The Defendant shall reside at his mother's home, unless otherwise directed by the Court.
 - c. Hennepin County Department of Community Corrections (Pretrial Services) shall supervise the Defendant while the Defendant is on conditional release.

- d. Pretrial Services may authorize the Defendant to be released from EHM to the extent necessary to enable the Defendant to comply with other conditions of release as described below.
 - e. The Defendant shall not use alcohol, illegal drugs, or non-prescribed mood altering drugs. Pretrial Services may enforce this condition by requiring the Defendant to submit to periodic or random testing or by requiring the Defendant to complete an appropriate chemical dependency treatment program and aftercare.
 - f. The Defendant shall seek and obtain employment or enroll in an educational program, or both, as directed by Pretrial Services.
 - g. The Defendant shall have no contact or communication with any witnesses in this case or with any gang members.
 - h. The Defendant shall appear in court as directed.
 - i. The Defendant shall remain law abiding.
2. With regard to the Defendant's motion to dismiss for lack of probable cause, the parties shall submit additional legal arguments regarding the issues described in the Memorandum below.
- a. On September 4, 2007, the State's memorandum is due.
 - b. On September 11, 2007, the Defendant's memorandum is due.
3. The Memorandum below shall be made part of this Order.

Dated: August 20, 2007



Mark S. Wernick
Judge of District Court

MEMORANDUM

This case arises from the tragic and senseless shooting death of a 14 year old girl in North Minneapolis. The girl was struck by crossfire between two rival gangs. Besides the pain caused to the victim's family and friends, this crime has provoked outrage in the North Minneapolis community and in the Twin Cities area at large. In these kinds of circumstances, the rule of law plays its most vital role.

The State is prosecuting Willie Buckingham for allegedly obstructing the investigation or prosecution of "Juvenile C." The State is prosecuting Juvenile C for shooting the young girl. The State alleges that Mr. Buckingham obstructed the investigation or prosecution of Juvenile C by lying to the police about Juvenile C's involvement in the shooting. The State's case against Mr. Buckingham raises questions about fundamental fairness: Can the State lawfully prosecute Mr. Buckingham for lying to the police after the police gave Mr. Buckingham permission to lie? Can such prosecution occur when the alleged lie told by Mr. Buckingham was not the same lie that the police authorized Mr. Buckingham to tell?

The State's theory of the case is as follows. Mr. Buckingham and Juvenile C are in the "Tre Tre" gang. The "Taliban" gang is a rival to the Tre Tre gang. On the night of the shooting, Mr. Buckingham was with Juvenile C and other members of the Tre Tre gang. While together, Juvenile C fired several shots from a handgun at members of the Taliban gang. One of those shots struck and killed the young girl. After Juvenile C fired his handgun at the Taliban, someone from

the Taliban used a shotgun to fire back at the Tre Tre gang. No one was struck by the shotgun fire.

Five days after the shooting, the police took Mr. Buckingham into custody in order to question him about Juvenile C's involvement in the shooting. It is the manner in which the police questioned Mr. Buckingham that raises serious questions about whether the pending prosecution against Mr. Buckingham is consistent with due process and supported by probable cause.

Mr. Buckingham is 19 years old. Without first having obtained legal advice, Mr. Buckingham gave two statements to the police while in custody. In his first statement, Mr. Buckingham said that the Taliban were the first to shoot; and that after he heard the Taliban shoot, he ran from the scene. Mr. Buckingham also said that he did not see Juvenile C at the scene and that no one from the Tre Tre gang fired back at the Taliban. In an effort to encourage Mr. Buckingham to say that he saw Juvenile C shoot at the Taliban, the police lied to Mr. Buckingham, telling him that the police know the Taliban shot first and Juvenile C fired back in self defense. Further, the police told Mr. Buckingham that if he would say the Taliban shot first and Juvenile C shot back in self defense, then the police would release Mr. Buckingham from custody. Otherwise, the police said, they would hold Mr. Buckingham for obstructing their investigation of Juvenile C. The police then left Mr. Buckingham alone in the interrogation room to allow Mr. Buckingham time to decide whether to say what the police suggested that he say.

Minutes later, the police reentered the interrogation room and told Mr. Buckingham that he was under arrest for murder. Mr. Buckingham then made a second statement. In his second statement, Mr. Buckingham told the police that the Taliban shot first and that he then saw Juvenile C pull out a handgun. Mr. Buckingham said he ran past Juvenile C while Juvenile C was holding the handgun, at which time Mr. Buckingham heard more shots being fired.

According to the State's memorandum supporting probable cause, the State alleges that Mr. Buckingham is guilty of obstructing the prosecution of Juvenile C in part because, in both his first and second statements, Mr. Buckingham lied to the police about who shot first. That is to say, the State is prosecuting Mr. Buckingham for lying about the Taliban shooting first, even though the police gave Mr. Buckingham permission to tell that lie in order to get Mr. Buckingham to say that Juvenile C fired shots at the Taliban in self defense (which now, according to the State, is another lie). The apparent goal of this interrogation technique was simply to get Mr. Buckingham to say that Juvenile C fired a handgun in the direction of the Taliban.¹

¹ I am attaching to this Order the original Complaint, the Amended Complaint, and the police transcripts of Mr. Buckingham's two statements. In support of my conclusion that the police gave Mr. Buckingham permission to lie about the Taliban shooting first and Juvenile C shooting in self defense, I note the following police remarks from the first statement:

P. 3: Because they were shooting at y'all, okay? And we know that y'all shot back, but in self defense, okay?

P. 9: It's obvious to me. If somebody's shooting at me, I'm going to pull my piece out, you know?

P. 11: [O]nce they pulled down [displayed a gun] on you, you guys backed down, right? I understand, the girls and everyone is telling us that you guys backed

(Footnote continued next page)

Before ruling on Mr. Buckingham's motion to dismiss for lack of probable cause, I am directing the parties to brief the question of whether, or to what extent, a due process defense is available to Mr. Buckingham. *See, generally*, 9 Minn. Practice Series, *Criminal Law and Procedure* § 47.22C (2007); 2 LaFave, *Substantive Criminal Law* § 9.8(g) (2007). Specifically, with respect to the allegation that Mr. Buckingham lied about who shot first, I note the many Minnesota appellate court opinions which have recognized "that a government may not officially inform an individual that certain conduct is permitted [e.g., making a false statement] and then prosecute the individual for engaging in that same conduct." *Haveri v. Commissioner of Public Safety*, 552 N.W.2d 762, 767 (Minn.App. 1996), *review denied* (Minn. Oct. 29, 1996), citing *State v. McKown*, 475 N.W.2d 63, 68 (Minn. 1991), *cert. denied*, 502 U.S. 1036, 112 S.Ct. 882 (1992). *See McDonnell v. Commissioner of Public Safety*, 473 N.W.2d 848, 855 (Minn. 1991); *Whitten v. State*, 690 N.W.2d 561, 565 (Minn.App. 2005); *Plocher*

down, right? *** But then they pop at you so you guys have to defend yourselves at that point. Alright?

- P. 12: Okay, and some people that we talked to ... said, yeah, they pulled down on you and shot at you. But that you guys returned the fire. You got it, it's self defense, you know?
- P. 13: And that he [Juvenile C] was just defending himself. So that's the part that you've got to get past, all right, Willie? Alright? We just need to get that from you and then we'll move on and we'll let you guys [Mr. Buckingham and Juvenile D] going [sic], okay? Because self defense is self defense, okay?
- P. 13: Think about it. There's a way to walk up out of here by being straight about what they did on self defense or there's a way that's aiding an offender.
- P. 13: Willie, listen to me. Think about it. You need to tell us the story. We'll come back up in here and you need to tell us the story. *** You're going to walk out of here.
- P. 14: You're going to walk out of here with self-defense, all right? If you're aiding and offender, then you ain't. Alright?

v. Commissioner of Public Safety, 681 N.W.2d 698, 703-04 (Minn.App. 2004); *State v. Akers*, 636 N.W.2d 841, 843-44 (Minn.App. 2001).

I am also directing the parties to brief the question of whether Mr. Buckingham can be convicted of giving false information to the police based on his first statement (he did not see Juvenile C at the scene of the shooting and the Tre Tre gang did not fire back) to the extent that he retracted or corrected that false information minutes later during his second statement (he saw Juvenile C pull out a handgun and he then heard more gunshots). In this regard, I note that in prosecutions for perjury, “[i]t is a defense if the declarant retracts or corrects the false statement because ‘if a witness desires to correct or retract an earlier false statement he should be encouraged to do so.’” 9A Minn. Practice Series, *Criminal Law and Procedure*, § 54.2 (2007), quoting Minn. Stat. § 609.48, Advisory Committee Comments.²

Having carefully reviewed the allegations against Mr. Buckingham, I have decided that he should be released from jail pending my ruling on his motion to dismiss. Even if I eventually deny his motion to dismiss, I do not believe it is necessary or appropriate to keep Mr. Buckingham in jail pending trial.

My release decision takes into account both flight risk and public safety.

I do not view Mr. Buckingham as a flight risk. Mr. Buckingham is 19 years old and a high school graduate. He is a life long resident of Minnesota. Before

² If I allow some, but not all, of Mr. Buckingham’s alleged false statements to be the subject of a jury trial, the jury instructions will have to specify what alleged false statements are and are not subject to a potential guilty verdict.

his arrest, Mr. Buckingham resided with his mother in North Minneapolis, where he will be required to reside while on Electric Home Monitoring. The offense for which Mr. Buckingham stands accused is unranked on the sentencing guidelines grid. Accordingly, even if there is a conviction in this case, a prison sentence is not a forgone conclusion. Under these circumstances, I believe Mr. Buckingham will appear at trial.

I also conclude that by requiring Mr. Buckingham to be placed on Electric Home Monitoring and supervised by Pretrial Services; his release will not pose an unreasonable risk to public safety. Mr. Buckingham has no adult criminal record. I am aware that Mr. Buckingham was adjudicated delinquent in Hennepin County juvenile court. Although I will not identify the findings of delinquency in this public document, I will say that no finding of delinquency has been made against Mr. Buckingham since May 2005. I have spoken with Mr. Buckingham's former juvenile probation officers. I was told that when Mr. Buckingham turned 18 (August 2006), Mr. Buckingham was in compliance with all conditions of juvenile probation except for a restitution order. In addition, Mr. Buckingham was described to me as someone who responds well to a structured environment. I anticipate Mr. Buckingham will comply with his conditions of release as a result of the structure provided for by Electric Home Monitoring and Pretrial Services supervision. I see no facts alleged against Mr. Buckingham in this case which would override his constitutional right to pretrial release.

My decision to conditionally release Mr. Buckingham should not be viewed as a criticism of the order for bail issued at Mr. Buckingham's first court appearance. I know much more about this case than did the district court judge who issued that order. That judge had only the Complaint to review. The Complaint makes no reference to the police having given Mr. Buckingham permission to say that the Taliban shot first and that Juvenile C fired a handgun in self defense, statements which the State now alleges are lies.³

Fairness requires that Mr. Buckingham be conditionally released from jail pending the resolution of this case.

MSW



³ The original Complaint alleged that in Mr. Buckingham's second statement, Mr. Buckingham said "that as the three [Mr. Buckingham and two others] were being shot at, Juvenile C pulled a small handgun and began to shoot." Unknown to the judge who ordered bail, Mr. Buckingham's alleged lie about Juvenile C shooting in self defense is exactly lie which the police authorized Mr. Buckingham to tell. In the Amended Complaint, the State correctly alleges that Mr. Buckingham did not say Juvenile C fired shots; only that he heard more shots being fired after he saw Juvenile C pull out a handgun. The Amended Complaint alleges, "Defendant said that he ran past Juvenile C and when he got past him, heard 'he, they let off like six shots,' again *implicating* the Taliban." (Emphasis added). That "implication" is not consistent with the self defense lie which the police authorized Mr. Buckingham to tell. One could properly question the State's ability to prove to a jury beyond a reasonable doubt that Mr. Buckingham intended that alleged implication, or if so, that he was lying (impermissibly) about it.

State of Minnesota
County of Hennepin

District Court
Fourth Judicial District

CCT LIST CHARGE STATUTE ONLY
1 §609.495

MOC
E1910

FILED

07 JUN 15 PM 3:43

CTY ATTY
FILE NO.
07-5036

CONTROLLING
AGENCY
0271100

CONTROL NO.
07187054

DEPT
HENN. CO. DISTRICT
COURT ADMINISTRATOR
COURT CASE NO.

DATE FILED

☐ if more than 6 counts (see attached) ☐ if Domestic Assault as defined by MS 518B01, sub2a,b

State of Minnesota,

PLAINTIFF,

VS.

NAME: first, middle, last

Date of Birth

Legal Edge Number

WILLIE CORTEZ BUCKINGHAM 07038940

8/12/88

LE#: 07-22044

4023 Colfax Avenue North
Minneapolis, MN 55412

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Complainant, Rick Zimmerman is a sergeant with the Minneapolis Police Department. He has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On June 9, 2007, at approximately 11:00 p.m., officers of the Minneapolis Police Department were dispatched to 3311 Humboldt Avenue North, Minneapolis, Hennepin County, Minnesota upon report of shooting that had occurred at that location. Upon arrival at the scene, officers discovered that the victim of the shooting, C.J., a known 14 year-old girl had been shot. The victim was pronounced dead at the scene, with an apparent gun shot wound to the head.

Officer learned that the residents of 3311 Humboldt were having a birthday party and that the residents had refused entrance to a group of young men. Shortly thereafter, several shots were fired outside and the victim, who was at the home to attend the party, was in front of the house and had been shot by an unknown individual or individuals.

Officers spoke to a witness to the shooting, who reported that he was disturbed by the noise from the party and looked outside. The witness noticed that there was a group of African American males arguing in front of 3311 Humboldt and then heard shots being exchanged. After the shots were fired, some ran north and some ran south. The witness thought that the two groups were shooting at each other and that the victim was caught in between them. The witness said that he heard 6 to 7 shots and heard the victim cry out and saw her fall to the ground. The witness said that after the shots were fired, part of the group ran south on Humboldt.

Officer spoke to known witness A who stated that an argument occurred between two groups of individuals outside the party and a person witness A identified as known Juvenile C had a pistol and started shooting.

Witness B informed officers that a person outside the party pointed a gun at two other individuals and exchanged words. Witness B observed one of those two individuals after this exchange pull a gun and start shooting at the person who initially had a gun and was then walking away. The victim was shot at this time. Witness A has also identified the shooter as Juvenile C.

As a result of identifications by witness of persons with Juvenile C at the time of the shooting, police arrested and interviewed a known Juvenile D. Juvenile D, after being advised of his rights per Miranda, initially informed police that he was in front of the party house with **WILLIE CORTEZ BUCKINGHAM** and Juvenile C. Juvenile D stated a gang known as the Taliban started to shoot and they all ran. He continued to deny that any of his companions had a gun. When officers were preparing to book him, Juvenile D told them he was prepared to talk and tell the truth. Juvenile D then stated that the Taliban started shooting and Juvenile C pulled a small handgun and began to shoot more than once.

Based on witness identification **WILLIE CORTEZ BUCKINGHAM**, Defendant herein, was arrested and interviewed. After being advised of his rights per Miranda, Defendant initially stated he, Juveniles C and D were outside the party and that someone started shooting and the three ran. He continuously denied that any of the three had a gun. As officers were booking Defendant he said he wanted to tell truth. At that point the interview was reinitiated. Defendant stated that as the three were being shot at, Juvenile C pulled a small handgun and began to shoot. Defendant ran at that time.

Police officers found no bullet casings from a handgun at the scene (indicating a revolver was used), but did recover two shotgun shells that had been found in front of a house where the Taliban members had been located.

Officers have listened to a recording from the MPD "Shot Spotter" system which indicates an initial volley of six gunshot sounds that are consistent with each other, then followed by one louder shot.

Witnesses have identified Juveniles C and D and Defendant **BUCKINGHAM** as members of the Tre Tre gang.

Defendant Buckingham is currently in custody.

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	M.O.C.	GOC

OFFENSE

COUNT 1: ACCOMPLICE AFTER THE FACT (FELONY)

MINN. STAT. § 609.495, SUBD. 3, 5

PENALTY: 3 -20 YEARS

That on or about June 9, 2007, **WILLIE CORTEZ BUCKINGHAM** aided K.J.D, a known juvenile, a person **WILLIE CORTEZ BUCKINGHAM** knew or had reason to know had committed a criminal act, to wit: Intentional Murder in the Second Degree, by providing false or misleading information about that crime and/or obstructing the investigation or prosecution of that crime, and the murder and DEFENDANT's aiding or obstructing behavior occurred in Minneapolis, in Hennepin County, Minnesota.

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
 (1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
 (2) detained, if already in custody, pending further proceedings;
 and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

Rick Zimmerman

COMPLAINANT'S SIGNATURE:



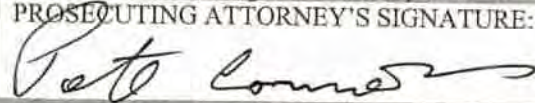
DATE:

6/15/07

jmck

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

PROSECUTING ATTORNEY'S SIGNATURE:



PROSECUTING ATTORNEY:

NAME/TITLE:

Pete Connors (0018545)
 Assistant County Attorney

ADDRESS/TELEPHONE:

C2100 Government Center, Minneapolis, MN 55487
 Telephone: (612) 348-5505

FORM 1-2

REV 3/99

NOTICE: You must appear for every court hearing on this charge. A failure to appear for court on this charge is a criminal offense and may be punished as provided in Minn. Stat. § 609.49.

Court Case # _____
This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____, 20____.
NAME: _____ SIGNATURE: _____
TITLE: _____

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

☐ THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

☐ **EXECUTE IN MINNESOTA ONLY**

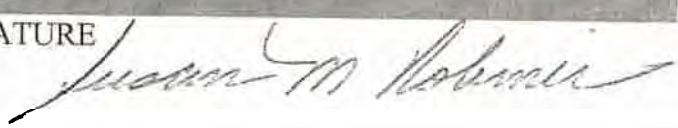
To the sheriff of the above-named county, or other person authorized to execute this WARRANT, I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

☒ Since the above-named Defendant(s) is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.
Bail: \$1,000,000

Conditions of Release: No Contact With Victims, Witnesses or Gang Members _____

This COMPLAINT- _____ ORDER OF DETENTION _____ duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

NAME: _____ SIGNATURE: 
TITLE: JUDGE OF DISTRICT COURT

Sworn testimony has been given before the Judicial Officer by the following witnesses: _____

STATE OF MINNESOTA COUNTY OF HENNEPIN

STATE OF MINNESOTA

Plaintiff

Vs.

WILLIE CORTEZ BUCKINGHAM
aka

Defendant(s).

Clerk's Signature or File Stamp: _____

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon Defendant(s) herein-named.
Signature of Authorized Service Agent: _____

CCT
1

LIST CHARGE STATUTE ONLY
§609.495

MOC
E1910

GOC
N

CTY ATTY
FILE NO.
07-5036

CONTROLLING
AGENCY
0271100

CONTROL NO.
07187054

COURT CASE NO.

DATE FILED

AMENDED

☐ if more than 6 counts (see attached) ☐ if Domestic Assault as defined by MS 518B01, sub2a,b

State of Minnesota,

PLAINTIFF,

VS.

☒ Amended

☐ Tab Charge Previously Filed

☒ SERIOUS FELONY

☐ SUMMONS

☐ FELONY

☐ WARRANT

☐ GROSS MISDM DWI

☒ ORDER OF DETENTION

☐ GROSS MISDM

☐ EXTRADITION

NAME: first, middle, last

Date of Birth

Legal Edge Number

WILLIE CORTEZ BUCKINGHAM 07038940

8/12/88

LE#: 07-22044

4023 Colfax Avenue North
Minneapolis, MN 55412

DEFENDANT.

AMENDED COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

The Probable Cause portion has been amended, the Complainant has changed, and the Attorney of Record has been changed (See underlined sections).

Complainant, Charles Adams is a sergeant with the Minneapolis Police Department. He has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On June 9, 2007, at approximately 11:00 p.m., officers of the Minneapolis Police Department were dispatched to 3311 Humboldt Avenue North, Minneapolis, Hennepin County, Minnesota upon report of shooting that had occurred at that location. Upon arrival at the scene, officers discovered that the victim of the shooting, C.J., a known 14 year-old girl had been shot. The victim was pronounced dead at the scene, with an apparent gun shot wound to the head.

Officer learned that the residents of 3311 Humboldt were having a birthday party and that the residents had refused entrance to a group of young men. Shortly thereafter, several shots were fired outside and the victim, who was at the home to attend the party, was in front of the house and had been shot by an unknown individual or individuals.

Officers spoke to a witness to the shooting, who reported that he was disturbed by the noise from the party and looked outside. The witness noticed that there was a group of African American males arguing in front of 3311 Humboldt and then heard shots being exchanged. After the shots were fired, some ran north and some ran south. The witness thought that the two groups were shooting at each other and that the victim was caught in between them. The witness said that he heard 6 to 7 shots and heard the victim cry out and saw her fall to the ground. The witness said that after the shots were fired, part of the group ran south on Humboldt.

Officer spoke to known witness A who stated that an argument occurred between two groups of individuals outside the party and a person witness A identified as known Juvenile C had a pistol and started shooting.

Witness B informed officers that a person outside the party pointed a gun at two other individuals and exchanged words. Witness B observed one of those two individuals after this exchange pull a gun and start shooting at the person who initially had a gun and was then walking away. The victim was shot at this time. Witness A has also identified the shooter as Juvenile C.

As a result of identifications by witness of persons with Juvenile C at the time of the shooting, police arrested and interviewed a known Juvenile D. Juvenile D, after being advised of his rights per Miranda, initially informed police that he was in front of the party house with **WILLIE CORTEZ BUCKINGHAM** and Juvenile C. Juvenile D stated a gang known as the Taliban started to shoot and they all ran. He continued to deny that any of his companions had a gun. When officers were preparing to book him, Juvenile D told them he was prepared to talk and tell the truth. Juvenile D then stated that the Taliban started shooting and Juvenile C pulled a small handgun and began to shoot more than once.

Based upon witness identification, **WILLIE CORTEZ BUCKINGHAM**, Defendant herein, was arrested with Juvenile D on June 14, 2007, five days after the homicide of C.J. Defendant was told by the officers that they were investigating the killing of the little girl outside the party. Defendant was given a rights advisory. Defendant admitted that he was outside the party with Juvenile C and D. Defendant said that they had tried to get in the party, but were turned away. As they were leaving, they saw some guys walk towards a tree, then turn and shoot at them. Defendant said and the little girl was on the steps and got shot. Defendant repeatedly denied that anyone in his group had a gun and said they just ran away. He denied seeing Juvenile C do anything and said that he did not know who shot. As officers were booking Defendant, he said that he wanted to tell the truth. At that point officers reinitiated the interview. Defendant then said that Juvenile C had a gun, but denied seeing him fire the weapon. Defendant said that he ran past Juvenile C and when he got past him, heard "he, they let off like six shots," again implicating the Taliban.

Police officers found no bullet casings from a handgun at the scene (indicating a revolver was used), but did recover two shotgun shells that had been found in front of a house where the Taliban members had been located.

Officers have listened to a recording from the MPD "Shot Spotter" system which indicates an initial volley of six gunshot sounds that are consistent with each other, then followed by one louder shot. An autopsy examination of the victim, C.J., revealed she died as a result of a single shot from a handgun.

Witnesses have identified Juveniles C and D and Defendant **BUCKINGHAM** as members of the Tre Tre gang.

Defendant Buckingham is currently in custody.

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	M.O.C.	GOC

OFFENSE

COUNT 1: ACCOMPLICE AFTER THE FACT (FELONY)
MINN. STAT. § 609.495, SUBD. 3, 5
PENALTY: 3 -20 YEARS

That on or about June 9, 2007, **WILLIE CORTEZ BUCKINGHAM** aided K.J.D, a known juvenile, a person **WILLIE CORTEZ BUCKINGHAM** knew or had reason to know had committed a criminal act, to wit: Intentional Murder in the Second Degree, by providing false or misleading information about that crime and/or obstructing the investigation or prosecution of that crime, and the murder and DEFENDANT's aiding or obstructing behavior occurred in Minneapolis, in Hennepin County, Minnesota.

NOTICE: You must appear for every court hearing on this charge. A failure to appear for court on this charge is a criminal offense and may be punished as provided in Minn. Stat. § 609.49.

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings;
and that said Defendant otherwise be dealt with according to law.

Sgt. Charles Adams

COMPLAINANT'S SIGNATURE:

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE:

25 July, 2007

jmck

PROSECUTING ATTORNEY'S SIGNATURE:

Susan B. Crumb

PROSECUTING ATTORNEY:

NAME/TITLE:

Susan B. Crumb (148246)
Assistant County Attorney

ADDRESS/TELEPHONE:

C2100 Government Center, Minneapolis, MN 55487
Telephone: (612) 348-5612

FORM 1-2

Rev. 3/94

Court Case #

This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____, 20____.

NAME:

SIGNATURE:

TITLE:

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

☐ THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

☐ EXECUTE IN MINNESOTA ONLY

To the sheriff of the above-named county, or other person authorized to execute this WARRANT, I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

☒ Since the above-named Defendant(s) is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail: Bail to Remain as Previously Ordered

Conditions of Release: Conditions of Release to Remain as Previously Ordered

This COMPLAINT- _____ ORDER OF DETENTION _____ duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

NAME:

SIGNATURE

Patricia L. Belois

TITLE: JUDGE OF DISTRICT COURT

PATRICIA L. BELOIS
Judge of District Court

Sworn testimony has been given before the Judicial Officer by the following witnesses:

JUL 25 2007

STATE OF MINNESOTA

COUNTY OF HENNEPIN

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff

Vs.

WILLIE CORTEZ BUCKINGHAM

Defendant(s).

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon Defendant(s) herein-named.

Signature of Authorized Service Agent:

State v. WILLIE CORTEZ BUCKINGHAM

LE Case No. 07-22044
SILS No. 2073997
C.A. File No. 07-5036
CCN: 07-187054

STATEMENT OF WILLIE CORTEZ BUCKINGHAM

Q: Just going to pat you down first. Nothing else...whatcha got there? That's cool.

Sgt. Zimmerman: Hey, how you doin'?

A: How you doin'?

Q: We're gonna get that from you, we're going to check that and make sure that it's okay. We'll set that right here for you. We'll be right with you. You're Willie?

A: Um, hmm.

Q: I'm Sergeant Zimmerman.

A: How you doin'?

Q: Good, good, we'll be right with you. (Officer leaves room.)

Q: (Officer returns.): Alright, hey Willie, how are you doing? This is Sgt. Adams. I'm Sgt. Zimmerman. This is Willie.

Q2: (Second officer): What's up man?

A: How ya' doin.'

Q: Hey, ya, I'll tell you, originally reason we wanted to talk to you today, alright? We've been doing a lot of work on this, you know, since the little girl got hit? And we know about some of these Taliban guys starting some shit up there, you know? Coming up in your own neighborhood. You know what I mean?

A: Um, hmm.

Q: And, starting this up, and nobody meant for this little girl to get hurt, all right? It was an accident. You know, there's two kinds of things in this business. I've been down here twelve years, that I've seen, and I'm sure you've seen, you grew up in the city, right?

A: Um, hmm.

- Q: There's some people that go out and do something, and they want to do it, they want to hurt somebody. And then sometimes there's an accident. Okay? Huge world of difference. Alright? We know that no Taliban guy got hit, so that must mean, or that no Tre Tre got hit, so that must mean that it was an accident. And that's what everyone is telling us. We talked to people that know you guys and that this wasn't meant to happen, all right? Because this is your neighborhood, these are your friends. You know?
- A: Um, hmm.
- Q: And this wasn't meant to happen, okay? And the thing is Willie, we know that, we know that those guys have been after you guys. They come up in your neighborhood. They're from the lower numbers, they come up in your neighborhood, shooting it up, that kind of stuff. Alright? We know that. The thing is, that's old history, there might be some old history, you know where one shot at one and then one shot at the other. You know what I'm sayin'? But when this little girl got hit, then it all just kind of stopped for a minute, you know what I mean? And we've got to step back and say, "Did somebody mean to kill this little girl?" So we talked to everybody that we know that knows y'all, that was up at that party, that are saying, "No", that isn't what they believe. But, we don't know that, until, we don't know what's in a person's mind until we talk to them, right?
- A: Right.
- Q: You don't know what he's thinking, if he's shooting his gun, right, until you ask him, what are you thinking? What the hell happened? Why'd you hit that little girl? You know? And, so, if that wasn't meant to be, if it was meant an accident, then it's a whole different story, okay? It's an accident. A person has a right to defend himself. You know you see where a cop shoots some guy once in a while and gets away with it?
- A: Um, hmm.
- Q: Because they say the guy had a gun. Well, they're defending themselves, that's what they're saying. Okay? That's what they're saying, you know?
- A: Um, hmm.
- Q: But the other guy might have a different story, you know. But anyway, so, I guess the thing is we need to know that, from your mind, if y'all didn't mean for her to get hurt. You weren't looking to hurt that girl, and she was a part of your neighborhood.
- A: This, this is what was happening. We was walking past the party. Dude, some dudes, there was one or two...
- Q: Hold on, hold on, I know you want to tell me. But you know, it's just like on TV you know? Um, we need to know if, when you say like, "We, we're all walking past", ah.

A: Oh, it was me, it was me, [REDACTED] (inaudible), and one of my other cousins.

Q: Yeah, [REDACTED]?

A: Yeah, we was walking, we was walkin', going up to the party. And the dudes that they said they couldn't get in or whatever, we knew the dudes.

Q: So you all stepped back.

A: No, we was into it with 'em, but we knew 'em. And so was still finna go up to the party, and was walking down. He and (inaudible) got downstairs, when they was coming down they was like, "Man, whatcha all coming over here for? This ain't no party for y'all to be coming to." You know, like that. And they was like, "What?" Well then, everybody was like, "Square up, fight in the street" or whatever. They didn't want to fight or whatever. They walked off they thought we was walkin' up to the party but we kept going to (inaudible) house and they got to shootin' at the party, and that's when the little girl was on the steps.

Q: Alright. Well, why don't we step back here for a second though, because we all know that you all had to defend yourselves down there. Okay? We already know that.

A: Um, hmm.

Q: And the thing is, is, I know you might be scared to say, "Yeah, well, geez, I had to defend myself, or my friend had to defend himself." Or my cousin did. But, leaving that part out, it makes, whoever is going to review this, wonder, "Well, why did they leave that out?" You know what I'm saying?

A: Like leave what out?

Q: That, one of y'all had to pull out to defend yourself.

A: Oh, no, nobody pulled out (inaudible).

Q: I know, but hold on now, but we know that one of y'all did, okay? Because they were shooting at y'all, okay? And we know that y'all shot back, but in self defense, okay? And but, by holding back on that, then it looks like well maybe they're trying to hide something, ya know what I mean? That's all, okay? So, we need to know that now, because, I'm telling you, they're going to say the other way. They're going to say, "Yeah, they meant to hurt that little girl." Because they don't like y'all anyway, you know what I mean? So the thing is, and some of them have been saying that, but we didn't believe that. Because we talked to folks that knew you at that party, I mean those were your people at that party, your friends, your neighborhood people. Alright, and they tellin' us that those guys they, they pulled down on you, backed you guys up and you guys backed up, didn't want to be a part of it, alright? And then they pulled out on you

again, and you gotta defend yourself. That's what everyone at the party is telling us, and that's what the evidence is showing, but we don't know what's in the mind. We need to get out of your mind, did we mean to hurt that girl, or no, were we just defending ourselves from this dude over here. You see what I'm saying? It's a huge difference, okay?

A: (Inaudible) I understand (inaudible).

Q: So, we need to get to that part, alright? That's what I'm saying.

A: I know somebody on the porch just started shooting.

Q: Okay. Alright, let's back up there, okay. But it's just like on TV, though, one thing I forgot to mention to you. Ah, have you ever seen, watched cop shows?

A: Um, hmm.

Q: CSI shows?

A: Yeah.

Q: It's just this card thing, it's the Miranda thing it's called. Did you ever hear that before, the rights card? Did you ever hear that on TV or anything? You have the right to remain silent, do you understand what that is?

A: Um, hmm.

Q: Okay. Anything you say, can and will be used against you in court. Do you understand that?

A: Um, hmm.

Q: Okay. You have the right to talk to a lawyer and have the lawyer present now or at any time during questioning. Do you understand that? You see what I'm saying? Do you understand that?

A: Um, hmm.

Q: If you cannot afford a lawyer one will be appointed for you without cost. So you understand that?

A: Um, hmm.

Q: Okay. Well, having that in mind, do you want to tell me, what time did y'all get there, at the party?

A: Um, I don't know, I think it was about like 9:30, probably around 10.

Q: Okay, just getting going.

A: Um, hmm.

Q: Yeah.

A: We went there the first time ...

Q: Who all was "we" though? Can we go through that again?

A: It was me, [REDACTED], and [REDACTED]

Q: [REDACTED]?

A: [REDACTED]? No, you all got [REDACTED] and [REDACTED] mixed up.

Q: Oh, okay.

A: [REDACTED] is somebody totally different. He got a car and everything.

Q: He got up there later.

A: Yeah.

Q: Okay. And he was up there with, um, with um, I can't think of it. Well, anyway, we'll get to that later. So, anyway, you get up there with your [REDACTED]?

A: No, it was [REDACTED]

Q: Who is [REDACTED]?

A: [REDACTED], that's like a nickname is what I gave him.

Q2: What's his real name?

Q1: What's his real name?

A: I don't know his real name.

Q2: He's your cousin and you don't know his real name?

A: No, he's not my cousin, [REDACTED] is. That's why I know his real name.

Q1: And [REDACTED] is your cousin too, or no?

A: No.

Q: Oh, he's not, he's just like a partner, a brother.

A: Yeah.

Q: So, when do you guys get there?

A: We get there

Q: Some of those Taliban didn't want to be patted down or something?

A: No, they weren't there at first, when we first, when the party first started they weren't there. We left and then after we came back that's when they were there. They said they didn't want to get searched and I guess they were walking off, and they're coming down the steps and they seen us coming up to the party.

Q: Now I know who some of the Taliban are, I mean, we've talked to them already, some of them. And um, I'm not saying I believe, I think they went up there and started this shit, you know? Um, so, what is the name of some of the Taliban that you ran into, the street name?

A: I don't know none of the street names.

Q: Okay. Just seen them around?

A: Yeah, just seen them.

Q: Alright. So anyway, so what happens then?

A: After that?

Q: Up by the stairs.

A: On the stairs they seen us. It was like, he said something, he said something, they (inaudible) walkin', you know what I mean?

Q: One of them pulls down on you?

A: No, he caught walkin' and he walked over until he got by ah, you know how the house was on Humboldt?

Q: Um, hmm.

A: They waited until he got down there by the tree, you know the tree down on the corner?

Q: On the low end or up on the high end?

A: No, it's still on 33rd and Humboldt. It's still right there, but.

Q: You know how the house is up the hill a little bit.

A: Yeah, on lower end, yeah, and waited there until he got right there by the tree.

Q: On the sidewalk there.

A: Yeah, and they all standing behind that and they gets start to shootin.'

Q: Okay. And then they're shooting at y'all.

A: Yeah.

Q: Okay. But [REDACTED]s there at that point, we know that.

A: Um, hmm.

Q: And ah, now, this is the thing, okay? Um, you think, I gotta help, I don't want to say that my friend shot back in self defense because it might get him in trouble? But not saying it gets him in more trouble because then it looks like he wanted to do something. You know what I'm saying? Say if I pulled down on Charlie right now, and Charlie pulls down on me, and we shoot each other and we hit you?

A: Um, hmm.

Q: And then Charlie says, "No, it was him that hit him." The CSI stuff is going to show which way the bullet came from. You know what I mean? And the shot spotter, those things up in the air, that catch where the bullets are being shot at. That new shot spotter thing.

A: Um, yeah.

Q: So, he needs to tell the truth about where he was and that he drew down, and that it was self defense. Otherwise, people are going to say, maybe you meant to hurt that guy, you know what I mean? So this is the thing, and not getting anyone in a lot of trouble because we already know who shot, we just need to know why. Okay? It's not a matter of snitchin' or giving up somebody.

A: No, they shot because they (inaudible) fuckin' don't like us.

Q: No, I know why they shot at y'all, the Taliban guys?

A: Um, hmm.

Q: I mean, they come up in your neighborhood, they're going to try to throw their weight around on y'all? I mean who do they think they are, right, you know what I mean? It's like somebody coming into my house and pulling a gun out on me. I'm going to defend myself. Okay? And we know that you guys defended yourself. The thing is, we know who defended themselves, so don't get, don't make it look like that person meant to do something if they're just self defense. You can defend yourself. You have a right to defend yourself, you know what I'm sayin'? And by withholding that a little bit, then it looks like, well, maybe that wasn't a self defense thing. You know what I'm saying?

A: Um, hmm.

Q: So that's why we wanted to talk to you. Otherwise we would have just booked you guys. You know what I'm saying? Based on what the Taliban guys are saying. But we knew from the people at that party that you guys were defending yourself, okay? That you didn't mean for this little girl to get hit, okay? That ah, [REDACTED], those guys, they didn't mean, no one meant for this little girl to get hurt. But we need to know about what's in your mind, about why somebody had to defend themselves. It's only in your mind, you know what I'm sayin'? And if it's being held back from, it's like, "Well, why didn't he want to tell you Sergeant?" It's like, "I don't know, everyone else is saying it was self defense." Is it because maybe they wanted to hurt that girl? You see, that's the reason. Okay? And no one wanted to hurt that little girl.

A: Um, umm. Nobody meant for her to get hurt. That's why we didn't even go to the crib because we was thinking they was going to follow us, because they was in a car.

Q: Yeah. I heard that somebody shot at some of them and they were blaming you all from down on Plymouth Avenue or something?

A: Um, hmm.

Q: At somebody's graduation thing? So, it wasn't you guys, but it was some younger Tre-Tre's. And so anyway, whatever the reason, it doesn't matter, you know what I mean? They just don't like you, right?

A: Right.

Q: And what I think is bold, is they come up to your neighborhood to tell you what to do. You know what I mean? Who do they think they are? I mean you're not going down to their neighborhood, hanging out at their girls' party, are you?

A: No.

Q: You know? So, I mean, you know what, well, they're going to run into some problems. They must have known that. That's why they brought some heat with them, you know? But the thing is, Willie, we need to know that part, okay? We know it happened, we need to know, in your mind, why you guys felt you had to defend yourself, okay? It's obvious to me. If somebody's shooting at me, I'm going to pull my piece out, you know? But I've got to tell somebody, otherwise they don't know why I did it. They might think, well, I pulled down first. You know? But we know that that's not the case. We know, we've got, you know all those people at the party. There was all those people standing out front. They saw it. They know that these guys pulled out first on you guys, all right? Now the thing is, by holding back on that now, it looks like, well maybe, they're going to ask me, "But Sergeant, why didn't he tell you that then, is it not true? Were those girls trying to cover up for something these guys did?" You know what I mean? And they're not. They're telling the truth, I believe. Because these Taliban aren't from that neighborhood, they (inaudible).

A: Yeah, (inaudible) I don't know.

Q: Just to look for you guys, you and your friends. And they found you. So the thing is, we need to know that part, Willie. All right? And if it wasn't planned, you know, you ever hear about this ah, what was it, several years ago. This kid, I don't know if you knew him, he goes in that flower shop and robs it. And kills that old dude, that kind of retired dude?

A: Oh, yeah.

Q: Yeah. He planned to go in there and do that crime. Not shoot him but rob him. So, that was serious, more serious, you know what I mean? Because you plan to do something, it's premeditation.

A: Um, hmm.

Q: If somebody pulls down on you, you have a right to defend yourself, okay? And we just need to know, in your mind, why you felt you had to defend yourself. Okay? That's that part. It's pretty obvious to me, if they're pulling down on you.

A: Um, hmm.

Q: Okay? So that's the part we need to get over, all right, Willie?

A: Um, hmm.

Q: And then we'll get past that, okay?

A: Um, hmm.

Q: So, the Taliban guy that you've seen around, pulls down on you. What kind of gun does he pull down on you?

A: I don't know. He was standing behind a tree.

Q: Okay, right. But they were, they were saying something to you, the witnesses say.

A: Yeah.

Q: Waving you back or something.

A: Yeah, when they was walking past us.

Q: Yeah. And they're walking back up the hill, like?

A: No, we walking up the hill, we walkin' up the hill(inaudible).

Q: But they're waiting down on the corner there, down by the tree.

A: Yeah.

Q: And it's you and your cousin [REDACTED], [REDACTED] um.

A: And [REDACTED] [REDACTED] wasn't there (inaudible) when the shooting started.

Q: [REDACTED]'s your cousin?

A: [REDACTED]? Nah, uh.

Q: Didn't you say [REDACTED]?

A: No, I said [REDACTED].

Q: [REDACTED] I was going to say, [REDACTED] he's like a little pimp.

A: (Laughs.)

Q: You know [REDACTED] don't you?

A: Nah, uh.

Q: Oh, don't you? He's like a little 13 year-old punk. Okay, well anyway, so they pulled down on you four. No?

A: No, just us three.

Q: And [REDACTED] and his partner get there later.

A: Yeah.

Q: Okay. All right, so why did, once they pulled down on you, you guys backed down, right? I understand, the girls and everyone is telling us that you guys backed down, right?

A: Yeah.

Q: But then they pop at you so you guys have to defend yourselves at that point. Alright? So that's the part we need to hear about to see if what the girls tell us is true, all those people over there at that party. Okay? You know I know about the corner and how you backed down right away, and we even know what you said, some of you guys. It was like, put your hands back, like wait, alright? You know what I mean? You know we know about it, right?

A: Um, hmm.

Q: Okay, so that's the part we need to get past, all right. So, you all pull down a piece? Or just one of you? And we know which one did.

A: I don't know (inaudible) when we heard the gunshots.

Q: Well, just before the gunshot, just before. When they pulled the gun out on you. And when you all pulled a gun out, just to back him up, right?

A: No, we didn't pull no gun. They pulled the gun out. Then we was like, oh, that's [REDACTED] (sp) (inaudible) and then he just got to walkin' off and when he walked off he got behind a tree. And then we heard it, pow, pow, pow...pow. That's what we heard.

Q: Okay. And um, with, ah [REDACTED] was there at that point though. We know that.

A: Um, hmm.

Q: And we know that (inaudible).

A: I didn't see him though.

Q: But, hold on a second though. We know that you all were down there on that corner, right?

A: Um, hmm.

Q: When this happened?

A: Yeah, we was walking up towards the party.

Q: Towards the house.

A: Just walkin'.

Q: Yeah. And, and this Taliban guy pulls down on you and says something to you. And you guys backed down. That's what we heard.

A: Um, hmm.

Q: Back into the street?

A: No, we was already in the street. We were walking back up to the sidewalk, where the house was.

Q: Alright, okay, this is the part though. We know that you guys were, everyone there, I mean, you know they're telling the truth about this guy pulling down on you, right, okay?

A: Um, hmm.

Q: Okay, and some of the people that we talked to that were out there on the other side said, yeah, they pulled down on you and shot at you. But that you guys returned the fire. You got, it's self defense, you know? But if you're lying about that part, then the problem is then that it looks like you wanted to hurt somebody. Self defense, you're not trying to hurt somebody, you're trying to defend yourself. That's the word, self defense. Right? That's what it means, right?

A: Um, hmm.

Q: And, but if a person doesn't want to say why they did it or own up to the fact that they did, when everyone else says that they did, then it makes the bosses that I have wonder, well, maybe it wasn't. Maybe they planned to go hurt somebody. You know what I'm saying? So you've just got to be honest about that part. Alright, I know that's a tough part, to say, "Yeah, one of my buddies pulled out" but if it's self defense. And we know, I can't tell you the name of the person that we know, of your buddies that talked to a couple of people saying that he didn't mean for that girl to get hit, okay?

A: Um, hmm.

Q: And that he wasn't, he was just defending himself. So that's the part that you've got to get past, all right, Willie? Alright? We just need to get that from you and then we'll move on and we'll get you guys going, okay? Because self-defense is self-defense, okay?

A: Um, hmm. But like I say, I don't know, I wasn't back there, when we heard gunshots, everybody ran (inaudible).

Q: No, nobody ran.

A: Yeah, but I did. Because it was like me, my [REDACTED] and [REDACTED] We all ran.

Q: Um, hmm. But [REDACTED] and his partner didn't, alright.

A: That's what I'm sayin', we was there but we didn't see them.

Q: You were standing by them, alright man? Hold on, think about that for a minute, because the thing is, Willie, you're thinking, man, if I tell them I didn't see anything, then I'm cool, and I'm not snitching on them, but you're not. You're hurting them, because it makes it look like they planned to do this. Alright?

Q2: (Second officer): You need to really think about what he just said.

Q1: Think about it. There's a way to walk up out of here by being straight about what they did on self defense or there's a way that's aiding an offender.

Q2: (Second officer): We're giving you an opportunity, man.

A: (Inaudible).

Q: Listen to me. We're giving you an opportunity, alright? Take advantage of it. Alright? We know you know the story. You can tell us the story. We'll come back in and you can tell us the story, man.

A: (Inaudible). I told you what I know.

Q: Willie, listen to me. Think about it. You need to tell us the story. We'll come back up in here and you need to tell us the story. Don't take yourself down for somebody else. I'm going to tell you that right now. Alright?

Q: You're going to walk out of here.

A: (Inaudible)

Q1: You're going to walk out of here with self-defense, all right? If you're aiding an offender, then you ain't. Alright?

Q2: (Second officer): Willie, this is the big time up here. This is not JDC.

Q1: This is not some little kid stuff.

A: (Inaudible).

Q: You need to think about that because we don't want you to go down for something that you don't need to go down for. Okay?

A: I'm not going down for nothin'. I (inaudible) heard gunshots (inaudible).

Q: No, but did you just hear what we told you? What we told you everybody had said you knew that was true, right? But why is the part about this guy pulling down on you, right, you guys backing off from him, right?

A: Um, hmm.

Q: Well, why is it then, everything's true, but you're saying, oh, except that part where we shot back ain't true? Come on, now, think about that.

Q2: C'mon, alright?

Q1: Think about that man, it looks bad for you.

Q2: Man, I'm on your side, I'm telling you right now. Don't take yourself down, it ain't worth it. All right?

Q1: It ain't worth it, alright?

(Officers leave room).

Q1: (Officers return). Hey Willie. We just wanted to meet with you one more time here, Willie. And then we'll get going, we're tired too. Okay? We've been going nearly around the clock, since this little girl, had to go talk to the mom and the dad, and then the step dad. And we want to just get this going, alright? So the thing is, I'm telling you, I know usually, the cops, you think it's negative. It's a bad experience. You're going to end up in trouble, alright? Well, the thing is, Willie, you're smarter than the average guy, you know? And I don't know why you're in this, hooked up with, you know, you should be having your own business and everything. You know? I mean going on to college,

you know? Just talking to you I can tell you're not like the "whoo, whoo" bully type little kids like that little 13 year old I was telling you about who quit school when he was 10, you know? You're a smart guy, so I think you're smart enough to realize that you're helping your friend, you're not hurting him, all right?

A: (Inaudible).

Q: Alright, I didn't hear you.

A: I said I didn't do anything wrong (inaudible).

Q: Okay, all right.

Q2: (Second officer): What do you mean by that, man?

A: Just mean I wasn't there to see what he done.

Q: Alright. So you didn't think about what we just talked about. You just want to go ahead and go that route?

A: That's all I know. I didn't see him.

Q: Okay. So you didn't see. You didn't hear nothin'.

A: I heard the gunshots, yeah. I ran when the gunshots (inaudible).

Q: Who all ran with you, man?

Q1: (First officer): All these people we talked to lied are lying to us then? I'm sorry. We thought we'd talk to you one more time. You know what's going to happen? About six months, I've seen it in homicide, it just happened recently. Remember those three guys, you know two guys and a girl that killed those two guys up on 50th and Camden, that robbery? You hear about that?

Q: One of those guys kept saying, I didn't know what was happening, I didn't see anything. He's been in jail now, what is it three months, since it happened? His attorney just contacted us, he wants to work a deal now.

Q2: (Second officer): Yeah. So you can sit there and think about that, okay?

A: I'm ready to go, man.

Q: You're ready to go?

A: Yeah.

Q: Okay, well, have a seat, man.

Q1: We'll get one of the squads over here. Alright. I wish you wouldn't have done it that way, but we'll see you in about three, four months, all right?

(Officers leave room).

A: (Waiting in room): Those motherfuckers are so stupid.

End of tape.

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State v. WILLIE CORTEZ BUCKINGHAM

LE Case No. 07-22006

C.A. File No. 02493

CCN: 07187054

STATEMENT OF WILLIE CORTEZ BUCKINGHAM

Q: Mr. Buckingham, do you want to stand up, we are going to walk you over and book you for murder.

A: What do you mean, for murder?

Q: We, we told you that, you know, you we don't want to do it, but if somebody is helping somebody, we don't know what the intent is.

A: I didn't. (inaudible).

Q2: We'll give you a chance. Like I explained to you, don't dig yourself in a hole, brother. Like I'm telling you be protective man.

A: I'm not being protective man. I swear to god I wasn't there, I ran as soon as I heard the first gun shot.

Q: Remember what I was telling you,

A: I don't know who shot.

Q: But, remember we have witnesses.

A: Man, okay, okay, I understand this.

Q: Yeah, that's the problem.

Q2: We now got thirty, forty fucking people out there that's what happens.

A: (inaudible)

BREAK

Q: Why don't you have a seat, we'll be right with you.

Q2: No, right here, right here.

A: Can you take the cuffs off?

Q2: Can you hold this? Let me try the other one. Sgt, whose handcuffs are these?

Q: Oh those are, that, that um, do you have cuff keys for those cuffs?

P: I do.

Q2: I got the one, I don't know what is wrong with this one.

P: Is that foreman key?

Q1: There you go.

Q2: Thank you.

Q: Is that a double lock where you got to turn it back the other way and then turn it back once more?

P: My keys are in (inaudible), they are getting old.

Q: Don't want him to run around out there with these hanging on.

P: I put them on, I never have to take them off.

Q2: They ain't comin' off.

Q: Okay, coming off, okay, let's get this done, right now, all right. Okay, so, we were walking you out the room there for just a minute. We didn't beat you, up, right? Is that right? Just officially asking you that, okay.

Q2: Come on now, sit up, come on now.

Q: I didn't beat you up or anything, right?

A: No, no.

Q: No threats?

A: No.

Q: Okay, Willie, now what happens when you get up at the party? You said you wanted to tell us the truth.

A: We got to the party.

Q: Who were y'all with and all that?

A: It was me, [REDACTED] and [REDACTED] we got to the party and dudes who we got into it with was at the party. They started leaving the party.

Q: mmm, mmm.

A: And they pulled out the gun and started shooting at us, we ran. When I was running, [REDACTED] (sp) upped on me thought I was somebody at the party shooting.

Q: Mmm, mmm.

A: I went straight past him.

Q: What do you mean upped on you, what does that mean?

A: Like he pulled me.

Q: What kind of gun was it? What color?.

A: It was all black.

Q: Okay. Big gun or little gun?

A: It was a little hand gun.

Q: A little gun like a hand gun?

A: Yeah.

Q: And not like some big old ten nine gangster gun?

A: No.

Q: Okay, is it a little will fit in your pocket kind or do you got to carry a big old holster?

A: Yeah. Kind of like a three-eighth.

Q: Okay, a little tiny one?

A: Yeah.

Q: Okay, all right. And when you got past him, how many shots did you hear?

A: When I got past him, I heard, no before we ran, he, they let off like six shots.

Q: Mmm, mmm.

A: Then when I got up to the top of the corner, I heard like, like, two or three more shots, two or three more shots and the police were right there.

Q: Bigger shots or lower shots. You know how one gun sounds big?

A: Bigger, they sounded big, way big.

Q: Okay, the ones when you got past [REDACTED] sounded big?

A: Yeah.

Q: Okay. All right, um, and which way were you running?

A: I was running up towards 36-th.

Q: 36-th, up the hill?

A: Yeah, up the hill.

Q: Okay, and who was [REDACTED] with when he was standing there? We know all ready.

A: I know it was [REDACTED], [REDACTED]

Q: Mmm, mmm

A: What, what's the one, what's the one y'all said, with the braids?

Q: mmm, mmm.

A: Him.

Q: What did he look like?

A: Okay.

Q: Okay was he light skinned or dark skinned?

A: Caramel skinned.

Q: Caramel skinned, what kind of eyes like? Like yours, brown eyes?

A: No, they dark.

Q: Dark eyes?

A: Yeah.

Q: Real dark eyes.

A: Yeah.

Q: Clean face?

A: Yeah.

Q: Not like pimples or anything like that?

A: No, none of that.

Q: Clean shaven?

A: Yeah, not shaven, he ain't got no shave.

Q: Can't shave, baby face?

A: Yeah.

Q: Okay. And how old is he?

A: Like 14, 13.

Q: Something like that?

A: Yeah.

Q: What is his nickname? We know who it is.

A: I don't know his nickname.

Q: Come on?

A: I don't, I don't nothing about the people that [REDACTED] hang out with, [REDACTED] was like the only person they, know, know what I'm saying.

Q: I'm going to get a scratch pad, I'm trying to figure out which way he ran if you ran the Lowry way or the other way.

A: I, I run the other way.

Q: From Lowry?

A: Yeah I run from Lowry.

Q2: So you were at the party right?

A: No.

Q2: You never got in there?

A: No, they started shooting. After they started shooting, everybody split up (inaudible).

Q2: Where were you before the shooting? Were you at the house?

A: No, I was in the front, I was in front, I was walking in the front of the house, giving, ah Shanice a hug.

Q: Okay.

A: And then we heard the shooting. And I told [REDACTED] to get down and we started to run to on the side of the car and [REDACTED] was right there, he was like that, thought we was somebody else, I guess.

Q: Okay, so, then you, then you ran past him?

A: Yeah and the police, you got, ah, I think that was [REDACTED] (sp) or [REDACTED] (sp), one of the two, was at the corner and asked us what was going on and told em shooting around the corner.

Q: Okay, let's see I'll draw this real quick like, so I get, so I have an idea of what you are talking about.

Q2: I'll get one of those.

Q: Do you have a pen? Um, how, why would and I know the reason, in my mind, why I'd be carrying a gun up there, why, why would [REDACTED] be carrying a gun? I mean, is it to go hurt somebody, or

A: I don't really know if they were going to hurt somebody or if they just brought it to the party just in case something like that was going to happen.

Q: That's what I'm saying. That's what I'm asking,

A: ahh, ahh.

Q: Okay. And when [REDACTED] called [REDACTED] or [REDACTED]

A: Yeah.

Q: When you were with him, what's he saying?

A: He's like somebody got shot at the party.

Q: Did he say who?

A: He said a little girl.

Q: Okay, did he want to shoot, did he feel bad about that little girl getting shot?

A: Yeah.

Q: Okay, I'm asking.

A: I, I, can't really tell you if he felt bad or not because I wasn't the one on the phone talking to him.

Q: Okay, but what was relayed to you was that little girl got shot.

A: Yeah.

Q: Okay, Did he get hurt?

A: Who?

Q: [REDACTED]

A: No.

Q: Or the little partner he was with get hurt?

A: No.

Q: Okay, alright. Okay. Now their house is the third house up here, right, you know the girls' house?

A: This, this is the girls' house?

Q: Yeah, this is the hill here going up,

A: All now on this corner here.

Q: This is Lowry down here.

A: Yeah, this is like where the tree was and me and the girl were walking up, me and the girl's were kind of like,

Q: Where were you standing?

A: Me and girl were standing like right here.j

Q: Is that the girl that ended up getting shot?

A: No.

Q: A different girl?

A: Yeah, [REDACTED]

Q: [REDACTED], where is she? Is she one of the girls from in the house?

A: I think. Yeah, just one of the normal.

Q: Northside girl?

A: Yeah,

Q: Okay, yeah.

A: I was giving her a hug right there. We seen the dudes backing right up on the tree, then that's when they started shooting, and [REDACTED] and them was parked like this and another house right here.

Q: Yep.

A: And another one.

Q: Yeah, we know which car,

A: It was parked right there.

Q: We know which car

A: We cut over like that

Q: Okay and we know which car, um, um, Kenneth came in. But we need it from you what color is it and we know what color it is?

A: I think it was blue.

Q: Okay, is it like a SUV or like 4 door?

A: Four door.

Q: Okay. Like a big one or like a big squared boxy one or those newer shorter rounded kind?

A: Short-rounded.

Q: Okay. Like what brand is it? Like a Toyota, Ford?

A: Think it's a Trep.

Q: A Intrepid?

A: Yeah.

Q: So it's a mid-sized. Trepid's are pretty good size, right?

A: mmm, mmm (affirmative).

Q: And that's his mom's car?

A: Yeah, I think so.

Q: Yeah, okay. So um, you take off this way and that's when you see him standing here with this gun?

A: Mmm, mmm.

Q: Okay.

A: He stopped me right here, I was going to keep running straight, he came out right here and we cut over here, me and Shanice.

Q: Now, we know somebody got backed down down here by some of these guys.

A: Yeah, that was [REDACTED]

Q: That was [REDACTED]?

A: Mmm, mmm (affirmative).

Q: Okay and were you with [REDACTED] when he got backed down?

A: Nope, I was right here by the, by the girl that I was walking towards.

Q: Where did that guy approach him, right in the middle, are we talking here?

A: About right here.

Q: Okay, why don't you put an [REDACTED] there for [REDACTED], so he got backed down there by the guy?

A: Yeah.

Q: What is the guy saying to him?

A: Like, I wasn't there, I'm wasn't that close enough to hear what they doing, what they were saying to each other.

Q: But you saw that he got backed down by the gun?

A: Mmm, mmm.

Q: So it must have made you kind of scared?

A: mmm, yeah.

Q: You don't want to get hit.

A: Ah, ah.

Q: We know, we have talked to everybody out here, but how many people do you think are out, here right here now when you are talking to [REDACTED] on the steps?

A: Two people right here in the van,

- Q: Mmm, mmm (affirmative).
- A: Then I think it was like three, four, four people like right here on the house steps at the party.
- Q: Okay, alright, and um...
- A: And there was some people leaving, coming this way from the party. But they see what was going on with [REDACTED] and they walked back up the same way I was walking.
- Q: Okay. Alright. And how far up are you from after you go by [REDACTED] when you hear the shot?
- A: Ah, I was right there by the police, by the end.
- Q: Up on the end.
- A: Yeah.
- Q: Because the police were over.
- A: This is a different block right here.
- Q: Yeah.
- A: The police back like right here.
- Q: Mmm, mmm.
- A: By the time they see me come out, they was already right here.
- Q: Okay and you heard the shot?
- A: Yeah.
- Q: Okay. Alright, just one shot.
- A: It was like three, four shots.
- Q: Three, four shots. Now does that gun, kind of gun that he had, [REDACTED] had, would that hold like twenty rounds like a gangster gun or just a few rounds?
- A: No, it would shoot like a whole lot, a couple, like oh, oh, eight, twelve, I don't know.

Q: Okay. Small though?

A: Yeah.

Q: Okay, alright, and which, um, way was he pointing the gun when he went by you?

A: Um, now this is way he was pointing, like I told you, when I ran up this way he had the gun pointed on me right there.

Q: Toward you?

A: Yeah. On me, like he was going to shoot me.

Q: What's up with that? Did he see who you were? Did he just get scared or he saw who you was?

A: He saw who I was, and he was like, my fault and I ran that way, I was gone.

Q: Alright, okay.

Q: Okay. Sgt. Adams?

Q2: Okay, so. Do you hear the first set of shots, is that what you are trying to tell me?

A: Yeah, I heard the first sets of shots from them, right here.

Q2: mmm, mmm.

A: I was already right here.

Q2: Mmm, mmm.

A: I'm running, I ran, I took off, me and [REDACTED] We get right here and [REDACTED] flashes.

Q2: [REDACTED] flashes a gun at you?

A: Yeah.

Q2: Okay. We know that, but,

A: From there, I took off that way.

Q2: So when did you hear any more shots as you were running this way?

A: Yeah, I heard two shots, two, like three to four shots, like, across the street.

Q: You weren't down by [REDACTED] at all, eh?

A: Nah, nah.

Q: Right in this area?

A: Yeah I told you I was in front off of the house.

Q: And down a little bit?

A: Yeah.

Q: Okay. You were in front and down.

Q2: So like here is the stairs, you know how they got the nice stairs,

A: ah, ah.

Q2: The nice brick wall, there

A: Yeah.

Q2: Just a little bit, down.

A: Yeah, I was sitting like here, then right there by the concrete.

Q2: And those people that passed you, they seen what was going on, then all of a sudden they came back, right?

A: What you saying?

Q2: You said that there was a group of people that passed you, because they turned around, they saw the shit that was going on?

A: Right, right and they started walking back the same way that I was walking.

Q: Okay, all right I just need your initial here that's your stuff there, your first initial and last initial or your name. Okay, alright we will be with in you, just a second, all right.

(Pause in interview)
(Knocking)

A: Hey, can I use the bathroom?

Q: Yup.

(Defendant taken out of room and returned)

(Pause in interview)

Q: Hey, Willie, we got, we want you to look at something here. We know who he is, we just want, obviously we have his picture, we just want to get (inaudible) the little short dude that we were talking about. We want you to look at some photos. All right, we'll show you six of them, okay and because we gotta be fair about it, know what I'm saying? We aren't gonna show you just one photo. Could it have been that guy?

A: Mmm, mmm, I don't know, I can't even tell.

Q: Just look at all six, just look at all six.

A: It kind of looks like one of the dudes that was down on the corner, though.

Q: Okay. Alright, alright.

A: Yeah.

Q: That's dude?

A: Yeah.

Q: Okay, What do you know what is his nickname?

A: I don't know his nickname.

Q: Okay. Well, let's look at the rest here to be sure.

A: Yeah he was the next one that was with dude.

Q: On, on the corner?

A: Yeah.

Q: Okay, alright. Okay, we will be with you in just a minute. Just have to finish up some junk here.

PAUSE

Q: Willie, here is what's going to happen now. Remember that part I was telling you about being honest with us. We 're gonna go, we are gonna talk to the prosecutors in the morning, alright, about how initially you were just afraid to tell them about your friends, alright.

A: I went straight past them, you know what I'm sayin', I did not see him shoot.

Q: Okay, but, hold on, hold on. But you know what you said, you know what I mean, right, about that part. Anyway, we know a lot more stuff too, okay. Obviously, you hear what we're saying. We know a lot more stuff. We're going to bring it up to the prosecutors. We are going to tell them how you, you, you decided to see the light here, okay? But, ah, we are going to come over and see you in the morning, too. They want us to hold you tonight, okay? But we will see you in the morning.

A: For what? What am I being hold for?

Q: That, for this little girl being shot.

A: But I didn't have nothin' to do with it, though

Q: Willie, hold on, hold on, we need to verify what you told us, right? You know what I'm saying?

A: What do ya mean verify, what, there ain't nothing to verify. I didn't see him shoot the gun or nothing.'

Q: I'm gonna see you in the morning, alright.

A: Can you make sure they send my cell phone over here?

Q: Yep.

A: Is there a way I can get a phone call to my mom?

Q: Yep, absolutely.

End of interview